

REMARKS

Claims 8, 9, 11, 12, 15, 16, 18 and 19 are presently in the application. Claims 1-7, 10, 13, 14, 17, 20 and 21 have been canceled.

Claim 8 has been amended to incorporate the language of previously presented claim 10. Accordingly, the rejection under 35 U.S.C. 102 is now moot.

Reconsideration of the rejections under 35 U.S.C. 103 is respectfully requested.

Claim 8 is directed to a fuel injection apparatus for an internal combustion engine comprising, inter alia, a valve element (54) embodied as hollow and its circumference having at least one aperture (64; 68) which, in cooperation with an aperture (62, 66) in the circumference of a cylinder bore (52), controls a connection to the discharge region and the flow cross section in the connection between a fuel supply pump (12) and a high-pressure pump (14).

In the Office action, the examiner rejected claim 10 over Hlousek (WO 01/34966) in view of Krimmer (US 6,446,606). Krimmer (US 6,446,606) is the English-language equivalent of DE 198 53 103 A1. The disadvantages of the valve disclosed in Krimmer are discussed in para. [0003] of applicants' specification and the advantages of applicants' invention are discussed in para. [0005].

Krimmer's valve 11 includes a valve housing having a cylinder bore 24 and a "sleevelike" (col. 2, l. 47) valve element or piston 25. As explained at col. 3, ll. 5-11, the upper half of Krimmer's FIG. 1, above the axis 33, shows the regulating valve 11 in the open position, in which the control opening 32 in the valve housing is completely uncovered by the valve piston 25. In the lower half of FIG. 1, conversely, the regulating valve 11 is shown in the completely

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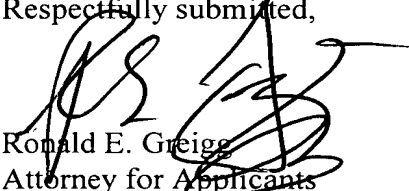
closed position. The examiner will note that there is no aperture in the circumference of the valve element or piston 25.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Neither Hlousek nor Krimmer teaches or suggests a fuel injection apparatus for an internal combustion engine of the type recited in claim 8 including a valve element embodied as hollow and its circumference having at least one aperture which, in cooperation with an aperture in the circumference of a cylinder bore, controls a connection to the discharge region and the flow cross section in the connection between a fuel supply pump and a high-pressure pump. Accordingly, claim 8 and the claims dependent thereon are not rendered obvious by the combined teachings of Hlousek and Krimmer.

The Commissioner is hereby authorized to charge any or all fees associated with this communication to Deposit Account 07-2100.

Entry of the amendment and allowance of the application are respectfully requested.

Respectfully submitted,


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